

REMARKS

Applicant has carefully reviewed and considered the Non-Final Office Action mailed on February 8, 2007, and the references cited therewith. This first reply is being filed within three months of the mailing date of the Non-Final Office Action.

Claims 1, 3, 11, 22, 31, and 33 were previously amended to add a limitation to further distinguish the claimed invention from the cited references. These amendments were not addressed in the February 8, 2007, Office Action. Applicant respectfully requests examination of all the present claims.

Claims 71 and 72 are added, where claim 72 further defines the invention of claim 1, and claim 71 (which includes all the limitations of claim 1 as a dependent claim on claim 67) provides a linking claim that inseparably links the original claimed invention to claim 67.

The total number of claims increased by two to 72, with number of independent claims remaining unchanged. Please charge \$50 for the small-entity fee for additional total claims, plus any additional claim fees or other required fees, or credit overpayment to Deposit Account number 502931.

Election/Restrictions

Regarding the February 8, 2007, Office Action, claims 43-70 were withdrawn by the Examiner. Applicant respectfully traverses. Applicant respectfully submits that claim 71 and 72 are linking claims to each other, and upon allowance of claim 72, claims 43-71 be reconsidered.

Claim Rejections – 35 USC § 112

Regarding the February 8, 2007, Office Action, claim 42 was rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses. Examiner Jackson and Primary Examiner Urban have allowed claims using the term “about” in several recently issued patents, for example US7006813 (“the ratio of charging capacitor capacitance to each rotating capacitor capacitance is greater than about thirty (30)”) and US7197279 (“about 14.75 MHz or an integer multiple of 14.75 MHz”). However, to move prosecution, claim 42 has been amended removing the term “about”, as supported on page 29 lines 3-4 of the original

application (paragraph [0166] of the published application). Accordingly, reconsideration and withdrawal of the rejection and an early indication of allowance is respectfully requested.

Claim Rejections – 35 USC § 103

Applicant's Attorney spent considerable time and effort to draft the Amendment and Response that accompanied the RCE of September 1, 2006, and those amendments and arguments were not addressed in the NFOA of February 8, 2007. Applicant concedes that internal page headers on page 2-17 of the Amendment and Response that accompanied the RCE of Sept, 1, 2006 had the wrong serial number, filing date, docket number and title (all of which erroneously referred to a different application of Applicant). For each of the following sections, Applicant respectfully requests that the Examiner reconsider the arguments and amendments of Applicant's previous response (but ignore the header errors), which for brevity are not repeated here, since the Examiner's rejections and comments are word-for-word identical to those applied to the different claims that were present last year prior to the amendments in the RCE.

Regarding the February 8, 2007, Office Action, claims 1, 5-8, 9, 11, 16-20, 22, and 26 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Tuttle et al. (U.S. Patent No. 6,078,791; hereinafter "*Tuttle*") with a view to Meunier et al. (U.S. Patent No. 5,202,201; hereinafter "*Meunier*"). Applicants respectfully traverse. Based on Applicants' previous amendments and arguments, reconsideration and withdrawal of the rejections are respectfully requested.

Regarding the February 8, 2007, Office Action, claims 2-4, 12-15, 23, 24, 31, 32, and 34-39 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Tuttle et al. (U.S. Patent No. 6,078,791, hereinafter "*Tuttle*") with a view to Meunier et al. (U.S. Patent No. 5,202,201, hereinafter "*Meunier*") and further in view of Bates (U.S. Patent No. 5,569,520, hereinafter "*Bates*"). Applicants respectfully traverse. Based on Applicants' previous amendments and arguments, reconsideration and withdrawal of the rejections are respectfully requested.

Regarding the February 8, 2007, Office Action, claims 10, 21, 25, 33, 40, and 41 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Tuttle et al. (U.S. Patent No. 6,078,791, hereinafter "*Tuttle*") with a view to Meunier et al. (U.S. Patent No.

5,202,201, hereinafter “*Meunier*”) and further in view of Little (U.S. Patent No. 4,740,431, hereinafter “*Little*”). Applicants respectfully traverse. Based on Applicants’ previous amendments and arguments, reconsideration and withdrawal of the rejections are respectfully requested.

Regarding the February 8, 2007, Office Action, claims 27-30 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Tuttle et al. (U.S. Patent No. 6,078,791, hereinafter “*Tuttle*”) with a view to Meunier et al. (U.S. Patent No. 5,202,201, hereinafter “*Meunier*”) and further in view of Lew et al. (U.S. Patent No. 6,608,464, hereinafter “*Lew*”). Applicants respectfully traverse. Based on Applicants’ previous amendments and arguments, reconsideration and withdrawal of the rejections are respectfully requested.

New claims

Applicant has added new dependent claim 72 to more fully describe the claimed invention and added dependent claim 71 to more fully describe the invention in the claims added on October 17, 2006. Applicant respectfully submit that all the claims are related to different details or aspects of substantially the same invention, i.e., a unitary packaged thin-film battery and the electronic device powered by the battery, and reconsideration and allowance of all the claims are respectfully requested.

CONCLUSION

Applicant respectfully submits that claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Charles A. Lemaire (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account Number 502931.

Respectfully submitted,

HARLAN T. JACOBS ET AL.

By their representatives,

LEMAIRE PATENT LAW FIRM, PLLC
P.O. Box 11358
ST. PAUL, MN 55111

CUSTOMER NUMBER **40064**
TELEPHONE: 952-278-3500

Date: May 8, 2007

By: /Charles A. Lemaire/
Charles A. Lemaire Reg. No. 36,198

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8(a)(1)(i)(C) (paragraph C being the amendment to Section 1.8 published in the **Federal Register**, Vol. 72, No. 14, page 2773): The undersigned hereby certifies that this document is being electronically filed via the U.S. Patent Office's EFS filing system on this

8th day of May, 2007, Central Daylight Saving Time ,

addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: /Charles A. Lemaire/
Charles A. Lemaire Reg. No. 36,198